

R156. Commerce, Occupational and Professional Licensing.

R156-73. Chiropractic Physician Practice Act Rules.

R156-73-101. Title.

These rules are known as the "Chiropractic Physician Practice Act Rules".

R156-73-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 73, as used in Title 58, Chapters 1 and 73, or these rules:

(1) "Clinical acupuncture" means the application of mechanical, thermal, manual, and/or electrical stimulation of acupuncture points and meridians, including the insertion of needles, by a chiropractic physician that has demonstrated competency and training by completing a recognized course that is sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b.

(2) "Distance learning" means the acquisition of knowledge and skills through information and instruction encompassing all technologies and other forms of learning at a distance, including internet, audio/visual recordings, mail or other correspondence.

(3) "FCLB" means the Federation of Chiropractic Licensing Boards.

(4) "Indirect supervision" means the supervising licensed chiropractic physician shall be available for immediate voice contact by telephone, radio, or other means and shall provide daily face to face consultation and review of cases at the chiropractic facility for the chiropractic intern, temporarily licensed or unlicensed person being supervised.

(5) "NBCE" means the National Board of Chiropractic Examiners.

(6) "PACE" means Providers of Approved Continuing Education sponsored by the Federation of Chiropractic Licensing Boards.

(7) "Preceptor" means a licensed chiropractic physician who is a supervisor of interns and externs in the professional practice of chiropractic.

(8) "Preceptorship" means a supervised training program established by a written contract between a chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc., and a licensee for the purpose of providing chiropractic training to a student enrolled in the chiropractic college or university while under the supervision of a licensee.

(9) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 73, is further defined in accordance with Subsection 58-1-203(5), in Section R156-73-501.

R156-73-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 73.

R156-73-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-73-303a. Continuing Education - Renewal Requirement.

(1) In accordance with Subsection 58-73-303(2), each licensee shall complete 40 hours of continuing education in each preceding two year period of licensure.

(2) The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be prorated to the part of that two year period during which the person is licensed.

R156-73-303b. Continuing Education - Standards.

(1) The standards for continuing education are as follows:

(a) the content must be relevant to chiropractic practice and consistent with the laws and rules of this state;

(b) the course must be under the sponsorship of or approved by:

(i) a chiropractic college or university whose doctor of chiropractic program is accredited by the Council on Chiropractic Education, Inc.;

(ii) a professional association or nonprofit organization representing a licensed profession whose program objectives relate to the practice of chiropractic;

(iii) the licensing agency of another state; or

- (iv) PACE;
 - (c) learning objectives must be reasonably and clearly stated;
 - (d) teaching methods must be clearly stated and appropriate;
 - (e) faculty must be qualified, both in experience and in teaching expertise;
 - (f) documentation of attendance must be provided;
 - (g) there shall be no more than four clock hours related to chiropractic practice marketing or practice building;
 - (h) no more than 10 hours of continuing education, in each two year period of licensure, may be by distance learning.
- (2) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of two years after close of the two year period to which the records pertain.
- (3) The board may, after review, waive the continuing education requirements for a licensee presenting sufficient evidence of hardship or illness or other reason making it impossible or highly impractical for the licensee to attend or have attended a sufficient number of continuing education classes.
- (4) As part of the 40 continuing education hours required every two years, a chiropractic physician, who provides acupuncture services as a part of their practice, shall complete 10 hours of acupuncture related continuing education.

R156-73-303. Temporary License.

In accordance with Subsections 58-1-303(1)(a) and 58-73-302(2), an endorsement applicant may be issued a temporary license under the following conditions:

- (1) The licensee shall work under the indirect supervision of a chiropractic physician approved by the division.
- (2) The supervising chiropractic physician shall:
 - (a) be available at all times to provide advice, instruction and consultation;
 - (b) assume responsibility for all chiropractic activities and services performed by the temporary licensee; and
 - (c) supervise no more than two persons at any given time.
- (3) The temporary license may not be renewed or extended for any purpose.
- (4) Any change in supervising chiropractic physician shall be preapproved by the division.

R156-73-304. Preceptorship - Approved Form of Supervision.

In accordance with Subsection 58-73-304(2), the approved form of supervision is defined, clarified or established as follows:

- (1) The supervising preceptor shall:
 - (a) be licensed in good standing in Utah and have practiced as a licensed chiropractic physician for the past five years;
 - (b) have entered into a written contract with an approved college or university to provide chiropractic training to a preceptee; and
 - (c) provide direct supervision on the premises, either personally or by delegating to another chiropractic physician who is licensed in good standing in Utah and who has practiced as a licensed chiropractic physician for the past five years.
- (2) The preceptor or his designee must remain on the premises at all times while the preceptee is performing the following procedures:
 - (a) adjusting of the articulation of the spinal column;
 - (b) diagnosis of the articulation of the spinal column;
 - (c) manipulation of the articulation of the spinal column; and
 - (d) therapeutic positioning of the articulation of the spinal column.

R156-73-308. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 73, is established by rule in Section R156-1-308.
- (2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-73-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) keeping the office, instruments, laboratory, equipment, appliances or supplies in an unsafe or unsanitary condition;

- (2) engaging in advertising which is misleading because of omission of necessary material information, which contains false or misleading statements, or which otherwise operates to deceive;
- (3) engaging in or abetting deceptive or fraudulent billing practices;
- (4) engaging in sexual contact with a patient, with or without patient consent, within 12 months of last treatment;
- (5) engaging in sexual activities or contact with a former patient, with or without consent, after 12 months of last treatment if there is a risk of exploitation or potential harm to the former patient;
- (6) engaging in behaviors in a patient/doctor relationship, including verbal, intended to sexually arouse any person or encourage sexual activity;
- (7) failing to keep the division informed of a current address and telephone number;
- (8) advertising acupuncture services or practicing clinical acupuncture techniques beyond the scope of the certification held; and
- (9) advertising as an "acupuncturist" either verbally or in print.

R156-73-502. Chiropractic Assistant.

In accordance with Subsection 58-73-102(3), a chiropractic assistant may perform activities related to the practice of chiropractic in accordance with the following:

- (1) The supervising chiropractic physician shall:
 - (a) be currently licensed in Utah;
 - (b) be responsible for the chiropractic activities and services performed by the assistant; and
 - (c) always be available to provide advice, instruction and consultation.
- (2) The supervising chiropractic physician shall never delegate the following to a chiropractic assistant:
 - (a) adjustment of the articulation of the spinal column;
 - (b) diagnosis of the articulation of the spinal column;
 - (c) manipulation of the articulation of the spinal column; and
 - (d) therapeutic positioning of the articulation of the spinal column.

R156-73-601. Scope of Practice.

The requirements to demonstrate competency and training to perform clinical acupuncture include:

- (1) Licensees who provided acupuncture services as a part of their practice prior to January 1, 2002 are not required to meet the requirements of Subsections (2) or (3), but are required to complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction and passing a certifying examination in order to continue to provide clinical acupuncture as a part of their practice after January 1, 2002.
- (2) Licensees who begin providing clinical acupuncture as a part of their practice on or after January 1, 2002 and prior to January 1, 2005 shall:
 - (a) complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 200 classroom hours of instruction and passing a certifying examination; or
 - (b) complete a recognized clinical acupuncture course sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, consisting of at least 100 classroom hours of instruction, passing a certifying examination, and completing 100 hours of clinical experience under the indirect supervision of a licensed health care provider who has met the requirements in Subsection (1) or (2)(a), and has practiced clinical acupuncture for at least two years.
- (3) Licensees who begin providing clinical acupuncture as a part of their practice on or after January 1, 2005 shall:
 - (a) meet the requirements to take and receive a passing score on the NBCE Acupuncture Examination; or
 - (b) meet the requirements to take and receive a passing score on the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) Examination.

R156-73-602. Advisory Peer Committee Created - Membership - Duties.

In accordance with Subsection 58-73-602(3), there is created the Quality and Standards Committee as an advisory peer committee to the Chiropractic Physician Licensing Board consisting of five

chiropractic physicians licensed and in good standing in Utah who are qualified by education, training and experience to competently act in quality care review.

R156-73-603. Standards for Practice of Animal Chiropractic.

In accordance with Subsection 58-28-8(12)(a), a chiropractic physician practicing animal chiropractic shall have completed an animal chiropractic course approved by the American Chiropractic Veterinary Association (ACVA) or another course that is substantially equivalent to the ACVA course.

KEY: chiropractors, licensing, chiropractic physician

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CHIROPRACTIC PHYSICIAN PRACTICE ACT RULES

**R156-73
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